

13:46 1 correct?

13:46 2 A. True.

13:46 3 Q. And you've done reconstruction work?

13:46 4 A. Some.

13:46 5 Q. Some. How wide is a typical lane of traffic
13:46 6 for a -- not a highway, for a non-major road?

13:46 7 A. I don't recall.

13:47 8 Q. Okay. Do you have any estimate as to how
13:47 9 wide the parking lot is between the two curbs?

13:47 10 A. No, ma'am.

13:47 11 Q. Okay. And do you have any estimate as to
13:47 12 how wide the parking lot is from the side to side,
13:47 13 including the parking spaces?

13:47 14 A. No, ma'am.

13:47 15 Q. Do you know how wide a typical parking space
13:47 16 is?

13:47 17 A. No, I don't.

13:47 18 Q. Do you know how long a typical parking space
13:47 19 is?

13:47 20 A. No, I don't.

13:47 21 Q. And these parking spaces, do they look
13:47 22 typical to you?

13:47 23 A. They look typical, yes.

13:47 24 Q. If an individual did not pull all the way
13:48 25 into the parking lot, would it be possible to make a

13:48 1 U-turn between the two curbs?

13:48 2 A. No, you'd have to pull into the parking lot.

13:48 3 Q. You'd have to pull all the way in, in order
13:48 4 to make the U-turn; correct?

13:48 5 A. Yes.

13:48 6 Q. And if there were cars then parked on either
13:48 7 side, would it similarly be impossible to make a
13:48 8 U-turn?

13:48 9 A. If cars were parked there, yes.

13:49 10 Q. At some point in time, did Officer Venable
13:49 11 move Mr. HM's car?

13:49 12 A. I don't recall.

13:49 13 Q. Did you move Mr. HM's car?

13:49 14 A. I don't recall doing that.

13:49 15 Q. Did you see Sergeant Lasater move Mr. HM's
13:49 16 car?

13:49 17 A. I don't recall, ma'am.

13:49 18 Q. So you have no recollection as to where
13:49 19 Officer Venable may have put the car?

13:49 20 A. No.

13:49 21 Q. Do you recall seeing the vehicle after you
13:49 22 began the transport to the hospital?

13:49 23 A. I didn't pay attention, where it was.

13:49 24 Q. So you don't know if it was facing Tesson
13:49 25 Ferry or the building?

13:49 1 A. No, I don't.

13:49 2 Q. And you don't know whether it turned to the
13:49 3 right or the left?

13:49 4 A. No.

13:49 5 Q. And you also don't know how far ahead he had
13:50 6 to go to get into the spot?

13:50 7 A. No.

13:50 8 Q. Now, looking at this Exhibit 73, if one
13:50 9 pulls into the parking space to the left, you would
13:50 10 naturally pull into the right lane, correct, if you're
13:50 11 doing an appropriate turn?

13:50 12 A. Yes.

13:50 13 Q. Now, pulling into the right lane, in order
13:50 14 to turn into the spot to the right, since the lines are
13:50 15 absolutely straight, you would have to pull to the left
13:50 16 and then to the right; is that correct? In other
13:50 17 words, since they aren't slanted this way, you can't
13:50 18 just pull straight in, you would have to come this way
13:50 19 --

13:50 20 A. Yes.

13:50 21 Q. -- you would have to turn in and pull left
13:50 22 and then right?

13:50 23 A. Yes.

13:50 24 Q. Okay. But if you pull into a spot on the
13:50 25 left, if you come in from the left, you just turn

13:50 1 straight in; is that correct?

13:50 2 A. You can make a left, yes.

13:50 3 Q. Okay. So coming in from the left-hand side
13:51 4 into the right lane of the parking lot, it's easier to
13:51 5 make -- to turn into the left into a parking place than
13:51 6 it is to the right; isn't it?

13:51 7 A. That's an assumption. I don't know.

13:51 8 Q. Well, you don't have to -- If you're going
13:51 9 left, you don't first have to go left to go right;
13:51 10 correct?

13:51 11 A. I don't know.

13:51 12 Q. You've been a patrol officer now for
13:51 13 30 years?

13:51 14 A. About that.

13:51 15 Q. And have you ever investigated any
13:51 16 situations in which someone has had an accident either
13:51 17 pulling into or pulling out of a parking space?

13:51 18 A. Several, yes.

13:51 19 Q. And in those situations do you have to make
13:51 20 assumptions as to whether the individual was
13:51 21 appropriate in where they parked their vehicle?

13:51 22 A. I don't make that assumption, ma'am.

13:51 23 Q. Okay. What do you look for then when you
13:51 24 are investigating an accident that involves vehicles
13:52 25 who have been parked?

13:52 1 A. I talk to the witnesses, see where the
13:52 2 vehicles were struck at, which part of the vehicles
13:52 3 made contact. Just write it on my report, what
13:52 4 happened.

13:52 5 Q. Now, we were talking about the last thing
13:52 6 you did before you took Mr. HM to the hospital?

13:52 7 A. Uh-huh.

13:52 8 Q. And one of the things you indicated is that
13:52 9 you spoke with dispatch?

13:52 10 A. True.

13:52 11 Q. And that would have been after he was in the
13:52 12 vehicle; correct?

13:52 13 A. True.

13:52 14 Q. And then you placed him in the vehicle?

13:52 15 A. Okay.

13:52 16 Q. Okay. And then before that, is that the
13:52 17 point in time when you handcuffed him, just before you
13:52 18 placed him in the vehicle?

13:52 19 A. I don't recall.

13:52 20 Q. Okay. Did you handcuff him?

13:52 21 A. Yes, I did.

13:52 22 Q. Did you have assistance from any other
13:53 23 officers in handcuffing him?

13:53 24 A. I can't say for sure.

13:53 25 Q. Normally, when there is more than one police

13:53 1 officer on the scene, do two people become involved in
13:53 2 the act of handcuffing a suspect?

13:53 3 A. Usually one, and the other one observes for
13:53 4 safety.

13:53 5 Q. Okay. Do you recall at what point in time
13:53 6 at the stop that you actually handcuffed Mr. HM?

13:53 7 A. No, I don't.

13:53 8 Q. Was there any point in time during the stop
13:53 9 that Mr. HM was not handcuffed?

13:53 10 A. It's very possible.

13:53 11 Q. Okay. But you have no independent
13:53 12 recollection of the point in time that you handcuffed
13:53 13 him?

13:53 14 A. I don't recall exactly when I did.

13:53 15 Q. Okay. Are your reports written in
13:53 16 chronological order?

13:53 17 A. I try to.

13:53 18 Q. Okay. If your report indicates that he was
13:53 19 handcuffed just before he was placed in the vehicle,
13:53 20 chronologically would that indicate that that, more
13:54 21 than likely, is the series of events?

13:54 22 A. More than likely, yes.

13:54 23 Q. How do you make a determination as to
13:54 24 whether a suspect or an individual that you come in
13:54 25 contact with should be placed in handcuffs?

13:54 1 A. By their actions.

13:54 2 Q. What do you mean by that?

13:54 3 A. If they're acting in a violent manner toward
13:54 4 me, or if I think they're a flight risk, they get
13:54 5 handcuffed immediately. If they don't act like that, I
13:54 6 don't handcuff them until it's time to transport them.

13:54 7 Q. So is it safe to assume that Mr. HM was
13:54 8 neither violent, nor a flight risk, in your estimation?

13:54 9 A. It's safe to assume that.

13:54 10 Q. And, in fact, you made the decision that he
13:55 11 was neither flight risk nor violent; correct?

13:55 12 A. At that time, yes.

13:55 13 Q. Did you make that decision that he was not
13:55 14 violent or a flight risk, and, therefore, didn't need
13:55 15 to be handcuffed immediately based on the totality of
13:55 16 the circumstances?

13:55 17 A. After I removed him from the vehicle, and
13:55 18 had a chance to secure the weapons, yes.

13:55 19 Q. Okay. And at no time did Mr. HM attempt to
13:56 20 run away from you; did he?

13:56 21 A. No.

13:56 22 Q. And he didn't attempt to run away from you
13:56 23 in his vehicle, or on foot; correct?

13:56 24 A. No.

13:56 25 Q. And he also didn't engage in any behavior

13:56 1 that you thought warranted any kind of criminal charge;
13:56 2 is that correct?

13:56 3 A. Not at that time.

13:56 4 Q. And, in fact, no criminal charge was made
13:56 5 against Mr. HM for any of the events that arose out of
13:56 6 12/31 of '05; is that correct?

13:56 7 A. True.

13:56 8 Q. Do you recall Mr. HM being asked to stand or
13:56 9 sit at the back of the vehicle for a period of time?

13:56 10 A. I don't recall that. It may have happened.
13:57 11 I don't recall it.

13:57 12 Q. Was there a period of time that Mr. HM was
13:57 13 with Officer Venable, and not you?

13:57 14 A. Oh, yes.

13:57 15 Q. And during what time frame was he with
13:57 16 Officer Venable and not you?

13:57 17 A. After Officer Venable arrived, until the
13:57 18 time when I took custody of him again.

13:57 19 Q. Now, who was the first to arrive on the
13:57 20 scene after you?

13:57 21 A. Officer Venable.

13:57 22 Q. Then was Officer Lasater the -- Sergeant
13:57 23 Lasater the last to arrive?

13:57 24 A. Yes.

13:57 25 Q. So the series of events then were you got to

13:57 1 the scene, Officer Venable got to the scene, and then
13:57 2 Sergeant Lasater got to the scene?

13:57 3 A. Yes, ma'am.

13:57 4 Q. How long did it take for Officer Venable to
13:57 5 arrive at the scene?

13:57 6 A. It wasn't very long. I hadn't completely
13:57 7 finished frisking the subject yet.

13:57 8 Q. Had you secured the weapon out of his
13:58 9 holster?

13:58 10 A. I had gotten the weapon.

13:58 11 Q. Okay. When you frisked Mr. HM, what actions
13:58 12 did you take?

13:58 13 A. First I found the weapon. Then I finished a
13:58 14 cursory search to make sure there were no other weapons
13:58 15 on his person.

13:58 16 Q. That is, you patted down his chest area, and
13:58 17 his hip area, and his legs, to see that there was no
13:58 18 other weapon?

13:58 19 A. Yes, ma'am.

13:58 20 Q. So it's your testimony that during the
13:58 21 process of doing this pat down, Officer Venable
13:58 22 arrived?

13:58 23 A. Right.

13:58 24 Q. After you found the weapon in Mr. HM's
13:58 25 holster, where did you put it?

13:58 1 A. I put it in my belt.

13:58 2 Q. And is that where it remained for the
13:58 3 remainder of the stop?

13:58 4 A. No.

13:58 5 Q. Where did the weapon go from your belt?

13:59 6 A. It went into my patrol car.

13:59 7 Q. At what point in time did it go into your
13:59 8 patrol car?

13:59 9 A. As soon as I could release Mr. HM to Officer
13:59 10 Venable.

13:59 11 Q. Okay. And where did you place the gun in
13:59 12 your patrol car?

13:59 13 A. I'm not positive.

13:59 14 Q. Is there a place that you would normally put
13:59 15 things that are seized from a suspect in your car?

13:59 16 A. Normally, on the floorboard directly behind
13:59 17 me.

13:59 18 Q. In the back seat?

13:59 19 A. Yes.

13:59 20 Q. And do you have any independent recollection
13:59 21 as to whether or not you placed his weapon on the
14:00 22 floorboard of the driver's side of your vehicle?

14:00 23 A. No, I don't.

14:00 24 Q. Okay. After Officer Venable arrived, what
14:00 25 did you do with Mr. HM?

14:00 1 A. I told Officer Venable to watch him.

14:00 2 Officer Venable took him to the rear of his vehicle.

14:00 3 Q. Of Mr. HM's vehicle?

14:00 4 A. Mr. HM's vehicle.

14:00 5 Q. And then what did you do?

14:00 6 A. I then finished searching the vehicle, Mr.

14:00 7 HM's vehicle.

14:00 8 Q. And what did you find in the vehicle?

14:00 9 A. I found on the passenger seat, laying next

14:00 10 to the console, a loaded six hour pistol.

14:00 11 Q. Did you have to open the console to get the

14:01 12 pistol?

14:01 13 A. No, I did not.

14:01 14 Q. Had Mr. HM told you at that point in time

14:01 15 that there was a second weapon in the vehicle?

14:01 16 A. No.

14:01 17 Q. Did Mr. HM ever tell you that there was a

14:01 18 second weapon in the vehicle?

14:01 19 A. No.

14:01 20 Q. Knowing he's a police officer, did you

14:01 21 assume that he would have a second weapon?

14:01 22 A. I was suspicious.

14:01 23 Q. And why is that?

14:01 24 A. Because most officers do.

14:01 25 Q. Do you carry a second weapon?

14:02 1 A. When I'm on duty.

14:02 2 Q. And why do most police officers carry a
14:02 3 secondary weapon -- or a second weapon, I should say?

14:02 4 A. Various reasons. Personal choice.

14:02 5 Q. Why do you carry a second weapon?

14:02 6 A. I carry a second weapon so in case my duty
14:02 7 weapon jams, or something, so I have another weapon to
14:02 8 fire back with.

14:02 9 Q. When you're on duty, and you're in your
14:02 10 vehicle, do you keep the second weapon on your person,
14:02 11 or keep it in the vehicle?

14:02 12 A. I keep it on my person.

14:02 13 Q. Do you copy your second weapon on your
14:02 14 person at all times --

14:02 15 A. If I'm carrying one, yes.

14:02 16 Q. -- if you're on duty? At any point in time
14:03 17 after Officer Venable arrived, did Officer Venable
14:03 18 search Mr. HM's car?

14:03 19 A. No.

14:03 20 Q. Do you know what Officer Venable did during
14:03 21 the time frame after he arrived on the scene?

14:03 22 A. He had a conversation going with Mr. HM.

14:03 23 Q. Could you hear that conversation?

14:03 24 A. No, ma'am.

14:03 25 Q. Could you tell whether the conversation was

14:03 1 one in which voices were raised?

14:03 2 A. Didn't seem to be.

14:03 3 Q. Would you describe it as a calm

14:03 4 conversation?

14:03 5 A. Fairly calm.

14:03 6 Q. Did you see Mr. -- was Mr. HM sitting or

14:04 7 standing after Officer Venable came?

14:04 8 A. I didn't watch him that close. I couldn't

14:04 9 tell you.

14:04 10 Q. Okay. And I understand that Officer Venable

14:04 11 had responsibility for Mr. HM at that time?

14:04 12 A. Yes.

14:04 13 Q. So anything you don't know, just say you

14:04 14 don't know. That's fine. I mean, we all have our own

14:04 15 responsibilities when we're working on something.

14:04 16 Did you at any time see Mr. HM pacing?

14:04 17 A. No.

14:04 18 Q. Could you hear any of the conversation that

14:04 19 went on between Officer Venable and Officer John Doe

14:04 20 HM?

14:04 21 A. I heard the words, I couldn't discern the

14:04 22 conversation; what words were being spoken.

14:04 23 Q. And was it just a regular, everyday kind of

14:04 24 conversation that you would hear going on?

14:05 25 A. A little louder than that, but nothing that

14:05 1 would alarm me.

14:05 2 Q. And Tesson Ferry is fairly busy road; isn't
14:05 3 it?

14:05 4 A. Yes, it is.

14:05 5 Q. And there some traffic noise that comes from
14:05 6 Tesson Ferry; isn't it?

14:05 7 A. Yes.

14:05 8 Q. And in order to be heard, an individual has
14:05 9 to speak a little louder than normal, just because
14:05 10 they're beside a busy road; correct?

14:05 11 A. True.

14:05 12 Q. And so when you say the two were speaking a
14:05 13 little bit louder, but nothing that concerned you, did
14:05 14 you put it down to the fact that you were standing
14:05 15 beside a busy road?

14:05 16 A. Yes.

14:06 17 Q. Now, did you have any interaction at all
14:06 18 with Crystal Marshall?

14:06 19 A. Just as far as the conversation on the
14:06 20 telephone and at the Highland Center.

14:06 21 Q. Okay. Did you call Miss Marshall?

14:06 22 A. Yes.

14:06 23 Q. And how did you get her telephone number?

14:06 24 A. Sergeant Lasater gave it to me.

14:06 25 Q. And at what point in time in the stop did

14:06 1 you speak to Crystal Marshall?

14:06 2 A. It was after I talked to the wife.

14:06 3 Q. Was this before you transported Mr. HM to
14:06 4 Highland Center, or was this after sometime after you
14:06 5 transported him to Highland Center?

14:06 6 A. The telephone was before I transported him.

14:07 7 MS. OWENS: I'm sorry. You said before the
14:07 8 transport to Highland?

14:07 9 Q. (By Ms. Randles) I'm sorry. Let me
14:07 10 rephrase that. Was this before your transport to St.
14:07 11 Anthony's Medical Center, or after your transport to
14:07 12 St. Anthony's Medical Center?

14:07 13 A. It was before. The telephone was before St.
14:07 14 Anthony's.

14:07 15 Q. Was it while you were still in the parking
14:07 16 lot?

14:07 17 A. Yes, ma'am.

14:07 18 Q. Okay. How many conversations did you have
14:07 19 with Crystal Marshall while you were still in the
14:07 20 parking lot?

14:07 21 A. One conversation.

14:07 22 Q. And what did Miss Marshall tell you?

14:07 23 A. She told me that she had a suicide note, and
14:07 24 that Mr. HM had threatened to commit suicide, was going
14:07 25 to harm himself.

14:07 1 Q. And what did you instruct her?

14:07 2 A. I told her I needed the suicide note, and
14:08 3 that she needed to come and contact me at the hospital.

14:08 4 Q. Did she agree to do that?

14:08 5 A. She did agree to do that.

14:08 6 Q. Okay. Did she have anything to tell you in
14:08 7 the conversation that you had with Crystal Marshall
14:08 8 while you were at the parking lot?

14:08 9 A. She didn't elaborate on anything.

14:08 10 Q. Did she tell you anything about Mr. HM
14:08 11 trying to commit suicide by cop?

14:08 12 A. No, she did not say that.

14:08 13 Q. Now, why did you ask Miss Marshall to come
14:08 14 to the hospital?

14:08 15 A. I wanted the suicide note.

14:08 16 Q. Why did you want the suicide note?

14:08 17 A. For evidence.

14:08 18 Q. Why did you need the suicide note for
14:08 19 evidence?

14:08 20 A. You gather all the best evidence you can at
14:09 21 any crime scene.

14:09 22 Q. Is this considered a crime?

14:09 23 A. It's considered a crime scene, ma'am.

14:09 24 Q. Why is it considered a crime scene?

14:09 25 A. You handle it just like you would any crime,

14:09 1 just to gather all the best evidence.

14:09 2 Q. Okay. Beside her telling you that Mr. HM
14:09 3 was suicidal, and you telling her that you wanted her
14:09 4 to bring the suicide note to the hospital, was there
14:09 5 anything else that occurred in that conversation?

14:09 6 A. No, it was very brief. Just to the fact.

14:09 7 Q. And is that all you remember about that
14:09 8 conversation?

14:09 9 A. I didn't ask her anything else.

14:09 10 Q. Was she rude, or was she polite when she
14:09 11 spoke with you?

14:09 12 A. Kind of indifferent.

14:09 13 Q. What do you mean by that?

14:09 14 A. She wasn't really -- She wasn't really rude,
14:09 15 but she wasn't really polite either, just like two
14:10 16 strangers talking.

14:10 17 Q. Did she seemed harried or concerned?

14:10 18 A. She seemed concerned, but --

14:10 19 Q. Did she seem histrionic?

14:10 20 A. No.

14:10 21 Q. Now, you indicated that you also spoke with
14:10 22 Mr. HM's wife?

14:10 23 A. Yes.

14:10 24 Q. And when did you speak with Mrs. Doe HM?

14:10 25 A. It was shortly -- shortly after we were on

14:10 1 the parking lot, and Mr. HM was talking to Officer
14:10 2 Venable.

14:10 3 Q. Was this before or after your conversation
14:10 4 with Miss Marshall?

14:10 5 A. It was before.

14:10 6 Q. And what did Miss Doe HM tell you?

14:10 7 A. She told me that Mr. Doe HM had come by the
14:10 8 residence. They had had a little disagreement. That
14:10 9 he told her, don't worry about it, you're going to get
14:10 10 all the money, and everything is going to be okay and
14:10 11 then had told his daughters good-bye.

14:11 12 Q. Okay. Did Mrs. Doe HM tell you anything
14:11 13 about a suicide note?

14:11 14 A. She didn't say anything about a suicide
14:11 15 note.

14:11 16 Q. Did you talk to any other people in Mr. John
14:11 17 Doe HM's family while you were at the parking lot?

14:11 18 A. I did not.

14:11 19 Q. Okay. Did you receive any information from
14:11 20 dispatch concerning the 911 call from Mrs. Doe HM while
14:11 21 you were on the scene?

14:11 22 A. Not while I was on the scene, no.

14:11 23 Q. Did you receive information from dispatch
14:11 24 prior to arriving at the parking lot?

14:11 25 A. When I got the original call.

14:11 1 Q. And what was in the original call?

14:11 2 A. They gave me the description of the vehicle,
14:11 3 the license number, the subject's name, and said he had
14:12 4 just left his wife's residence, and that he had
14:12 5 threatened to commit suicide.

14:12 6 Q. Did you get any other details from the
14:12 7 dispatch, aside from those facts?

14:12 8 A. No, not at that time.

14:12 9 Q. Did you receive any other information
14:12 10 concerning the 911 call from dispatch at any other
14:12 11 time?

14:12 12 A. No.

14:12 13 Q. And so the complete information you got from
14:12 14 dispatch was a description of the vehicle, Mr. HM's
14:12 15 name, that he left the wife's residence, and that he
14:12 16 threatened suicide?

14:12 17 A. And the license number of the vehicle.

14:12 18 Q. And the license number. Okay. Going back
14:13 19 to Crystal Marshall then, you indicated that you had a
14:13 20 second conversation with her?

14:13 21 A. Yes.

14:13 22 Q. And that second conversation occurred at
14:13 23 Highland Center?

14:13 24 A. Highland Center.

14:13 25 Q. This was after having been to the emergency

14:13 1 room at St. Anthony's; correct?

14:13 2 A. Correct.

14:13 3 Q. And then going to the Highland Center;

14:13 4 correct?

14:13 5 A. Correct.

14:13 6 Q. Okay. And was this conversation in person

14:13 7 or by telephone?

14:13 8 A. It was in person.

14:13 9 Q. And what happened during this conversation?

14:13 10 A. I asked her for the suicide note. She

14:13 11 refused to give it to me. I then questioned the

14:13 12 existence of a suicide note, which she affirmed there

14:13 13 was, however, she wasn't going to give it to me.

14:13 14 Q. Did she tell you how she came into

14:13 15 possession of any alleged suicide note?

14:13 16 A. She only said she found it in his apartment.

14:13 17 Q. At some point in time, did she tell you that

14:13 18 she needed the keys to his apartment in order to get

14:14 19 guns?

14:14 20 A. Not me.

14:14 21 Q. Okay. Did you hear that from anyone?

14:14 22 A. No, I didn't.

14:14 23 Q. Did she ever tell you that she needed the

14:14 24 keys to his apartment to get her things out of the

14:14 25 apartment?

14:14 1 A. No.

14:14 2 Q. Did you ever hear that?

14:14 3 A. No.

14:14 4 Q. Aside from in the depositions that we've
14:14 5 taken?

14:14 6 A. No.

14:14 7 Q. What else did Miss Marshall tell you when
14:14 8 you were at the hospital?

14:14 9 A. That was the extent of our conversation.

14:14 10 Q. Just that she refused to give you the
14:14 11 suicide note?

14:14 12 A. She refused to give me the note. I
14:14 13 terminated the conversation.

14:14 14 Q. And you had asked her for the note?

14:14 15 A. I had asked her for it.

14:14 16 Q. Did you have a conversation with her
14:14 17 concerning the note and the contents of the note while
14:14 18 you were at the Highland Center?

14:14 19 A. No, huh-uh.

14:14 20 Q. If you would, take me line by line from what
14:14 21 you recall of that conversation?

14:15 22 A. At the Highland Center?

14:15 23 Q. At the Highland Center.

14:15 24 A. I contacted her. I identified myself.

14:15 25 Asked her who she was. She identified herself. I then

14:15 1 said, "I need the suicide note." And she said, "You
14:15 2 can't have it." I said, "I really need the suicide
14:15 3 note. Because you made this claim." And she said,
14:15 4 "There is a suicide note, but I'm not giving it to
14:15 5 you."

14:15 6 Q. Did she tell you why she wouldn't give it to
14:15 7 you?

14:15 8 A. She was just adamant, she wasn't giving it
14:15 9 to me.

14:15 10 Q. What did Miss Marshall look like?

14:15 11 A. I don't recall for sure. That was the only
14:15 12 time I've ever seen her.

14:15 13 Q. Okay. Was anyone else present when you had
14:15 14 the conversation with Miss Marshall?

14:15 15 A. No.

14:15 16 Q. Do you know if Sergeant Lasater had a
14:15 17 conversation with Miss Marshall?

14:15 18 A. He did.

14:16 19 Q. Were you present for the conversation that
14:16 20 he had with Miss Marshall?

14:16 21 A. I wasn't.

14:16 22 Q. Do you know if Officer Venable had a
14:16 23 conversation with Miss Marshall?

14:16 24 A. Officer Venable never contacted her.

14:16 25 Q. And how do you know that?

14:16 1 A. I know he didn't contact her.

14:16 2 Q. He left the scene from the parking lot;
14:16 3 correct?

14:16 4 A. True.

14:16 5 Q. And he did not go to the either St.
14:16 6 Anthony's or to Highland Center?

14:16 7 A. No, ma'am.

14:16 8 Q. So the only contact he had with the
14:16 9 occurrences would have occurred on the scene at the
14:16 10 parking lot?

14:16 11 A. True.

14:16 12 Q. Okay. Did he contribute anything to the
14:16 13 report that was written?

14:16 14 A. Not that I can recall.

14:16 15 Q. If you would look at Exhibit 54, take just a
14:16 16 quick look through it. Can you tell me if there is any
14:16 17 part of the narrative that was contributed by Officer
14:16 18 Venable?

14:16 19 A. It doesn't look like there was.

14:17 20 Q. Okay. Did Miss Marshall at any time explain
14:17 21 why she would not cooperate concerning the suicide
14:17 22 note?

14:17 23 A. No, she didn't.

14:17 24 Q. And did she have any papers with her that
14:17 25 you saw?

14:17 1 A. Had a purse.

14:17 2 Q. But in terms of paper in her hand?

14:17 3 A. Nothing.

14:17 4 Q. So if she had a suicide note with her, or
14:17 5 any kind of note with her, it would have been in her
14:17 6 purse?

14:17 7 A. I have to assume that.

14:17 8 Q. It wasn't in plain view?

14:17 9 A. It wasn't in plain view.

14:17 10 Q. Okay. Did you have any conversations with
14:17 11 HM while he was at the Highland Center?

14:17 12 A. I don't believe so.

14:18 13 Q. During the time -- Between the time you
14:18 14 stopped him, and after you took the weapon off his
14:18 15 body, until the time you left him at the Highland
14:18 16 Center -- I'm talking about that time frame for the
14:18 17 next series of questions -- Okay. During that time
14:18 18 frame, did you find Mr. HM to be lucid?

14:18 19 A. Appeared to be.

14:18 20 Q. Did you find him to be reasonable?

14:18 21 A. Not entirely.

14:18 22 Q. And what makes you say not entirely?

14:18 23 A. He kept raising his voice. He wasn't
14:18 24 entirely cooperative with us. The big thing that was
14:18 25 on his mind was that "I'm a police officer," which we

14:18 1 already knew that. And just -- He just wasn't totally
14:18 2 cooperative with us.

14:18 3 Q. But he was compliant with all the orders
14:18 4 that you gave?

14:18 5 A. Yes.

14:19 6 Q. Based on your conversations with him, you
14:19 7 found that he didn't exhibit any signs that you would
14:19 8 find delusional?

14:19 9 A. Oh, no.

14:19 10 Q. He did exhibit a little bit of anger?

14:19 11 A. I would classify it as that, yes.

14:19 12 Q. Okay. But no threats of bodily injury
14:19 13 directed at you?

14:19 14 A. No.

14:19 15 Q. No threats of bodily injury directed at any
14:19 16 other officer on the scene?

14:19 17 A. Not that I'm aware of.

14:19 18 Q. And no threats of body injury directed
14:19 19 toward any other individual?

14:19 20 A. Not that I'm aware of.

14:19 21 Q. And he made no attempt to assault you?

14:19 22 A. No.

14:19 23 Q. And, in fact, he never attempted to assault
14:19 24 anyone on the scene; correct?

14:19 25 A. Not that I saw.

14:19 1 Q. And he never attempted to resist arrest?

14:19 2 A. No.

14:19 3 Q. And you did not charge him with any kind of
14:19 4 assault?

14:19 5 A. No.

14:19 6 Q. And you didn't charge him for any kind of
14:19 7 resisting arrest?

14:19 8 A. No.

14:19 9 Q. And nothing in the police report would
14:19 10 indicate that anything like that ever happened;
14:19 11 correct?

14:19 12 A. True.

14:19 13 Q. And, in fact, it did not happen?

14:19 14 A. Did not happen.

14:20 15 Q. Based on your conversations with Mr. HM,
14:20 16 between the time that you took the gun from him until
14:20 17 the time you left him at the Highland Center, did you
14:20 18 have any independent reason to believe that Mr. HM was
14:20 19 suicidal or homicidal?

14:20 20 A. No.

14:20 21 Q. Now, I had asked you about any conversations
14:20 22 that you had with him at the Highland Center, and you
14:20 23 indicated that you don't recall any conversations
14:20 24 there?

14:20 25 A. I don't recall talking to him at the

14:20 1 Highland Center.

14:20 2 Q. Did you have any conversations with him at
14:20 3 St. Anthony's?

14:20 4 A. I don't believe so.

14:20 5 Q. And while he was at St. Anthony's, again,
14:20 6 there was no threats of bodily injury; correct?

14:20 7 A. No.

14:20 8 Q. And there were no attempts to resist arrest?

14:21 9 A. No.

14:21 10 Q. And no attempts to flee?

14:21 11 A. No.

14:21 12 Q. During the time that you road from the
14:21 13 parking lot to St. Anthony's, which I understand is a
14:21 14 very short distance, did you have any conversation with
14:21 15 Mr. HM while he was in the car?

14:21 16 A. I don't recall.

14:21 17 Q. Okay.

14:21 18 A. We may have talked. I don't recall.

14:21 19 Q. But nothing stands out as being unusual?

14:21 20 A. No.

14:21 21 Q. Okay. And if someone were actively
14:21 22 delusional, for example, that's something that you
14:21 23 would remember?

14:21 24 A. Oh, yes.

14:21 25 Q. Or if they were actively violently angry,

14:21 1 you would remember that?

14:21 2 A. Yes.

14:21 3 Q. And even if there were angry and raising
14:21 4 their voice in an inappropriate manner, you would
14:21 5 remember that as well?

14:21 6 A. Probably.

14:21 7 Q. And Mr. HM never tried to get out of that
14:22 8 moving car; did he?

14:22 9 A. No.

14:22 10 Q. In the front seat, can you lock the
14:22 11 passenger side door so the individual can't get out?

14:22 12 A. Yes.

14:22 13 Q. And do they have access to unlock it?

14:22 14 A. Not the way we put them in the vehicle,
14:22 15 ma'am.

14:22 16 Q. And that's what I was asking. How are the
14:22 17 locks set up in the vehicle?

14:22 18 A. They're toward the front of the door, where
14:22 19 they can't reach them the way we put them in the
14:22 20 vehicle.

14:22 21 Q. And you always handcuff someone when they're
14:22 22 in the vehicle?

14:22 23 A. Absolutely.

14:22 24 Q. Where is the handle for the door?

14:22 25 A. It's a standard car, same --

14:22 1 Q. Is it a Crown Vic?

14:22 2 A. No. This is an Impala.

14:22 3 Q. Impala. Okay. That's over to the

14:22 4 right-hand side, halfway down, as I recall.

14:22 5 A. About mid-panel of the door.

14:22 6 Q. Yeah. Can someone in a -- Is it possible
14:23 7 for someone in handcuffs to get a hold of that car door
14:23 8 handle?

14:23 9 A. Not the way we fasten them in the car.

14:23 10 Q. Okay. Now, you've told me what you recall
14:23 11 of Officer Venable on the scene. Do you recall any
14:23 12 other actions that Officer Venable took while he was on
14:23 13 the scene with you?

14:23 14 A. I don't.

14:23 15 Q. Now, I would like to move to Sergeant
14:23 16 Lasater, and what happened after Sergeant Lasater
14:23 17 arrived on the scene. Sergeant Lasater was the last
14:23 18 one to arrive; correct?

14:23 19 A. True.

14:23 20 Q. What was Sergeant Lasater's role when he
14:23 21 arrived on the scene?

14:23 22 A. He was a watch commander, and I relinquished
14:23 23 control of the scene to him.

14:23 24 Q. And what happened between the time that
14:23 25 Officer Venable arrived, and Sergeant Lasater arrived?

14:24 1 Is that when the search took place?

14:24 2 A. Yes.

14:24 3 Q. Did you have any interrogation of Mr. HM
14:24 4 prior to Sergeant Lasater arriving?

14:24 5 A. No.

14:24 6 Q. Did you ever have any interrogation of Mr.
14:24 7 HM?

14:24 8 A. It wasn't interrogation. I asked him one
14:24 9 question when he first got him out of the vehicle.

14:24 10 Q. What was the question you asked?

14:24 11 A. The question was: "Are you going to harm
14:24 12 yourself?"

14:24 13 Q. And his response to that was "No"?

14:24 14 A. Yes.

14:24 15 Q. So, did you ask him any other questions at
14:24 16 all concerning suicide, suicide threat, or anything of
14:24 17 the sort?

14:24 18 A. I don't think I did.

14:24 19 Q. Did he tell you anything concerning suicide?

14:24 20 A. He just kept saying that he wasn't going to
14:24 21 hurt himself.

14:24 22 Q. Did he give new any information concerning
14:25 23 Miss Marshall?

14:25 24 A. I don't recall.

14:25 25 Q. Okay. Did he ever tell you that he had

14:25 1 broken up with her the week before?

14:25 2 A. I don't recall that.

14:25 3 Q. Did you know that she was an ex-girlfriend
14:25 4 at the time that all of this took place?

14:25 5 A. Not at that time, I didn't.

14:25 6 Q. Did you learn that at some point later?

14:25 7 A. I learned that later.

14:25 8 Q. At what point in time did you learn that?

14:25 9 A. Somewhere between the hospital and Highland
14:25 10 Center.

14:25 11 Q. Do you recall who you learned that from?

14:25 12 A. No, I don't.

14:25 13 Q. Did you have any conversation with Mr. HM
14:25 14 between the hospital and the Highland Center?

14:25 15 A. I don't believe so.

14:25 16 Q. So you wouldn't have learned that she was an
14:25 17 ex-girlfriend then from Mr. HM?

14:25 18 A. That may have been where I heard it, but I
14:25 19 don't recall when exactly.

14:25 20 Q. Okay. Were you present for any
14:26 21 conversations that Mr. HM had with any other police
14:26 22 officer?

14:26 23 A. No.

14:26 24 Q. So you were not present at any conversations
14:26 25 that Sergeant Lasater may have had with Mr. HM?

14:26 1 A. No.

14:26 2 Q. Now, you indicated that you learned that she
14:26 3 was an ex-girlfriend sometime between the hospital and
14:26 4 Highland Center?

14:26 5 A. True.

14:26 6 Q. How do you recollect that you learned of
14:26 7 that, in that time frame?

14:26 8 A. Just someone told me. And I don't recall
14:26 9 who it was.

14:26 10 Q. Okay. Do you recall whether Miss Marshall
14:26 11 said that?

14:26 12 A. She may have.

14:27 13 Q. Now, what were you doing when Sergeant
14:27 14 Lasater arrived at the scene in the parking lot?

14:27 15 A. I was finishing up checking the vehicle and
14:27 16 placing the guns in my patrol car.

14:27 17 Q. How long was it between the time that
14:27 18 Officer Venable arrived until Sergeant Lasater arrived?

14:27 19 A. It wasn't very long, a matter of minutes.

14:27 20 Q. Now, as we discovered earlier, it appears
14:27 21 that you were on the scene there for approximately
14:27 22 34 minutes; correct?

14:27 23 A. Correct.

14:27 24 Q. So in the 34 minutes that you were on the
14:27 25 scene, can you describe for me the actions that you

14:27 1 took during that time frame?

14:27 2 A. I made a phone call to the wife, to find out
14:27 3 what she had to say.

14:27 4 Q. Okay.

14:27 5 A. Okay. Told her that everything was okay.
14:27 6 We figured she'd be concerned for her husband. Told
14:28 7 her we had him in custody, and everything was okay.
14:28 8 And then after talking to her, I talked to Crystal
14:28 9 about the alleged suicide note. Ascertained from her
14:28 10 that she still maintained there was a suicide note,
14:28 11 that she still had it in her possession. Told her I
14:28 12 needed the suicide note. Finished checking the car.
14:28 13 Confirmed with Sergeant Lasater, who gave me additional
14:28 14 information concerning what he had heard. And then
14:28 15 made the decision that we needed to do a transport to
14:28 16 the hospital for psychiatric evaluation for the
14:28 17 person's own well being.

14:29 18 Q. Okay. Now, you indicated that you had
14:29 19 conferred with Sergeant Lasater concerning what he had
14:29 20 ascertained; is that correct?

14:29 21 A. True.

14:29 22 Q. What did you learn from Sergeant Lasater
14:29 23 about what he had ascertained?

14:29 24 A. He told me that he talked to a brother, and
14:29 25 the brother said there were some issues going on. He

14:29 1 had been depressed for a while. He had made some
14:29 2 statements that led them to believe that he would harm
14:29 3 himself.

14:29 4 Q. To your knowledge, did the brother discuss
14:29 5 with him the existence of a suicide note?

14:29 6 A. Not to my knowledge.

14:30 7 Q. Okay. Now, you had attributed some comments
14:30 8 to Michael Doe in the report?

14:30 9 A. True.

14:30 10 Q. And that would be on the last page of the
14:30 11 report, page 4 at the next to the last paragraph?

14:30 12 MS. MERKLIN VON KAENEL: Exhibit 54?

14:30 13 MS. RANGLES: Yes.

14:30 14 Q. (By Ms. Randles) Okay. And it starts:
14:30 15 "Sergeant Lasater." In that paragraph everything that
14:30 16 you put in this report is based upon what Sergeant
14:30 17 Lasater told you; correct?

14:30 18 A. That's what he told me, yes.

14:30 19 Q. Okay. Now, you've been telling me all of
14:31 20 the things that happened in the 34 minutes that you
14:31 21 were on the scene at the parking lot. You had
14:31 22 indicated that you called the wife, you told her
14:31 23 everything was okay. You talked to Crystal. You
14:31 24 checked the car. You conferred with Sergeant Lasater.
14:31 25 You made the decision to transport Mr. HM. Was there

14:31 1 any other things that occurred during that 34 minutes
14:31 2 that you can recall?

14:31 3 A. No.

14:31 4 Q. Did you talk to -- yourself, talk to any
14:31 5 member of Mr. HM's family beside Mrs. HM?

14:31 6 A. No.

14:31 7 Q. I had asked you what you saw Officer Venable
14:32 8 do. Now, my same questions are: What did you see
14:32 9 Sergeant Lasater do when he came on the scene?

14:32 10 A. We conferred. I filled him in on what I
14:32 11 had. He then --

14:32 12 Q. Was that the first thing that occurred, is
14:32 13 that you conferred with him?

14:32 14 A. Yes. As soon as he arrived on the scene, I
14:32 15 relinquished the control to him, so I had to brief him
14:32 16 of the situation.

14:32 17 Q. At that time you conferred with him, had he
14:32 18 already spoken with Michael Doe?

14:32 19 A. I don't believe so.

14:32 20 Q. Do you recall when he did speak with Michael
14:32 21 Doe?

14:32 22 A. No, I don't.

14:32 23 Q. Did you see him on the telephone while you
14:32 24 were on the scene?

14:32 25 A. Yes, I did.

14:32 1 Q. Okay. Was he on his own telephone, or on
14:32 2 the telephone of Mr. HM?

14:32 3 A. I couldn't tell you.

14:32 4 Q. Did you hear any of the conversations that
14:32 5 occurred between Sergeant Lasater and anyone he spoke
14:32 6 with?

14:32 7 A. No, I didn't.

14:33 8 Q. Did Sergeant Lasater also search the
14:33 9 vehicle?

14:33 10 A. No.

14:33 11 Q. Did you have any conversations with anyone
14:33 12 at Creve Coeur while you were on the scene at the
14:33 13 parking lot?

14:33 14 A. No, ma'am.

14:33 15 Q. Did you ever have any conversations with
14:33 16 anyone at Creve Coeur?

14:33 17 A. No, ma'am.

14:34 18 Q. To your knowledge, did Sergeant Lasater have
14:34 19 any conversations with Crystal Marshall while you were
14:34 20 on the scene at the parking lot?

14:34 21 A. Not to my knowledge.

14:34 22 Q. But you had a conversation with Miss
14:34 23 Marshall on the scene at the parking lot; correct?

14:34 24 A. Yes, ma'am.

14:34 25 Q. And you called her?

14:34 1 A. I called her.

14:34 2 Q. And you indicated that you received that
14:34 3 telephone number from Sergeant Lasater?

14:34 4 A. Yes.

14:34 5 Q. So do you assume then that he had already
14:34 6 had some contact with her prior to your telephone call
14:34 7 with her?

14:34 8 A. I don't know where he got the phone number
14:34 9 from.

14:34 10 Q. Okay. You had indicated that Sergeant
14:35 11 Lasater arrived before -- sorry -- that Officer Venable
14:35 12 arrived before Sergeant Lasater; correct?

14:35 13 A. Yes.

14:35 14 Q. So during this time frame after Officer
14:35 15 Venable arrived, he was in charge of watching Mr. HM;
14:35 16 correct?

14:35 17 A. Correct.

14:35 18 Q. To your knowledge, was there any
14:35 19 conversation between Sergeant Lasater and HM?

14:35 20 A. I don't recall.

14:35 21 Q. Did you see or overhear any --

14:35 22 A. I did see one, but --

14:35 23 Q. Were all of the police officers gathered
14:35 24 around Mr. HM's vehicle during the whole time that the
14:35 25 stop took place?

14:35 1 A. Officer Venable was at the rear of the
14:35 2 vehicle. Sergeant Lasater and I were towards the front
14:35 3 of the vehicle.

14:35 4 Q. Okay. So is it fair to say that you could
14:36 5 see Sergeant Lasater more readily than you could see
14:36 6 Officer Venable?

14:36 7 A. True.

14:36 8 Q. And could you hear Sergeant Lasater more
14:36 9 readily than you could hear Officer Venable?

14:36 10 A. I didn't hear his conversations on the
14:36 11 phone, but when we talked, I could hear him.

14:36 12 Q. Was this a reason that you couldn't hear the
14:36 13 conversations on the phone?

14:36 14 A. I was doing other stuff.

14:36 15 Q. And during this whole time that the stop
14:36 16 occurred, following the time that the weapons were
14:36 17 taken from Mr. HM, no officer had any weapon trained on
14:36 18 him; correct?

14:36 19 A. No.

14:36 20 Q. And there was no Taser, or non-lethal
14:36 21 trained on him either; correct?

14:37 22 A. No.

14:37 23 Q. You didn't hear Mr. HM make any kind of
14:37 24 suicidal threats at any time during the stop, and the
14:37 25 subsequent transfer to the hospital; correct?

14:37 1 A. No.

14:37 2 Q. And he didn't make any threats to kill
14:37 3 anyone?

14:37 4 A. No.

14:37 5 Q. Did you ever have any conversation with any
14:38 6 person indicating that Mr. HM had attempted suicide by
14:38 7 police?

14:38 8 A. No.

14:38 9 Q. At the time that you found the Walther, that
14:38 10 was in his holster; correct?

14:38 11 A. True.

14:38 12 Q. And the holster was on his belt?

14:38 13 A. True.

14:38 14 Q. And it was not in any way concealed; is that
14:38 15 correct?

14:38 16 A. That I don't recall. I know where I found
14:38 17 it.

14:38 18 Q. You found it on a belt -- on his holster on
14:38 19 a belt; correct?

14:38 20 A. Correct.

14:38 21 Q. And you found his badge next to the holster
14:38 22 with the gun; correct?

14:38 23 A. I'm not sure where the badge was.

14:38 24 Q. Do you recall the badge being on his person?

14:38 25 A. No.

14:38 1 Q. Do you have any recollection at all where
14:38 2 the badge was?

14:38 3 A. No, I don't.

14:38 4 Q. Okay. Now, you told me that in your
14:39 5 conversation with Mrs. Doe HM, that Mrs. Doe HM had
14:39 6 indicated that she would be okay financially, and he
14:39 7 said good-bye to the children; correct?

14:39 8 A. True.

14:39 9 Q. Did you ever have any conversation with Mrs.
14:39 10 Doe HM, where Mrs. Doe HM indicated to you that HM told
14:39 11 the children they would never see him again?

14:39 12 A. I think that's the way he worded it.

14:39 13 Q. That's the way "he" worded it, or that's the
14:39 14 way --

14:39 15 A. I think that's the way she told me that he
14:39 16 had worded it when he said good-bye to the daughters.

14:39 17 Q. And you had no direct conversation with
14:39 18 Michael Doe; correct?

14:39 19 A. No.

14:39 20 Q. Did Mrs. Marshall -- Did Miss Marshall,
14:40 21 Crystal Marshall, tell you that HM left -- that she
14:40 22 found a suicide note at his apartment?

14:40 23 A. Yes.

14:40 24 Q. So she did not tell you that he left a
14:40 25 suicide note at her apartment; correct?

14:40 1 A. No.

14:40 2 Q. Did Miss Marshall ever tell you that -- I
14:40 3 take that back. You've already told us everything that
14:40 4 you recall of your conversations with Crystal Marshall;
14:40 5 correct?

14:40 6 A. Yes, I have.

14:40 7 Q. And nowhere in those conversations did she
14:40 8 say that HM had assaulted her; correct?

14:40 9 A. Not to me.

14:40 10 Q. And she did not tell you that he threatened
14:40 11 her; correct?

14:40 12 A. No.

14:40 13 Q. And that she did not tell you that he came
14:40 14 to her residence prior to being picked up by the
14:40 15 police; correct?

14:40 16 A. No.

14:40 17 Q. At any time when you were at the Highland
14:41 18 Center, and Mr. HM was there, did Mr. HM make any
14:41 19 telephone calls, that you saw?

14:41 20 A. Not that I saw.

14:41 21 Q. Did you have his cell phone?

14:41 22 A. I'm not sure where his cell phone was.

14:41 23 Q. Okay. But do you recall whether or not you
14:41 24 had it?

14:41 25 A. I didn't have it, no.

14:41 1 Q. Okay. So if there were any calls coming in
14:41 2 or going out on his cell phone, you would have no
14:41 3 knowledge of that?

14:41 4 A. True.

14:41 5 Q. Crystal Marshall never told you that she
14:41 6 needed assistance in seizing guns from Mr. HM's
14:41 7 residence; correct?

14:41 8 A. Never told me.

14:41 9 Q. And she also never told you that she needed
14:41 10 assistance in getting her things out of his apartment;
14:42 11 correct?

14:42 12 A. True.

14:42 13 Q. Okay. Now, you had a conversation with Mrs.
14:42 14 Doe HM at the parking lot scene, correct?

14:42 15 A. On the telephone, yes.

14:42 16 Q. Did you have a conversation with Mrs. Doe HM
14:42 17 when you were actually at the Highland Center?

14:42 18 A. No.

14:42 19 Q. Did you have a conversation with her when
14:42 20 you were at the St. Anthony's?

14:42 21 A. No.

14:42 22 Q. Did you have a conversation with her when
14:42 23 she came to the substation to pick up the keys to the
14:42 24 vehicle?

14:42 25 A. Very short.

14:42 1 Q. Okay. Can you tell me what the conversation
14:42 2 was at that time?

14:42 3 A. "Are you Mrs. Doe HM? Here is the keys.
14:42 4 The car is up there."

14:42 5 Q. And at that time, was the car still on the
14:42 6 parking lot at the medical building?

14:42 7 A. Yes.

14:42 8 Q. So she had to go to the medical building to
14:42 9 pick the vehicle up from there?

14:42 10 A. Yes.

14:42 11 Q. At any time did you ever suggest to her that
14:42 12 she should get a restraining order against Mr. HM?

14:43 13 A. I don't recall that.

14:43 14 Q. Is that something that in the context of
14:43 15 what you saw of Mr. HM exhibit, that you thought was a
14:43 16 necessary step?

14:43 17 A. I don't believe I would have recommended it.

14:43 18 Q. And why not?

14:43 19 A. He was threatening himself, not her.

14:43 20 Q. Okay. Did you have any other conversations
14:43 21 with Mrs. Doe HM on the night -- or on the day or the
14:43 22 evening of 12/31/05?

14:43 23 A. No, I did not.

14:43 24 Q. Then the next conversation that you had with
14:43 25 Mrs. Doe HM was on 1/1/06; is that correct?

14:43 1 A. Correct.

14:43 2 Q. And you thought it was approximately 11:00
14:43 3 or 12:00 o'clock?

14:43 4 A. Somewhere around there.

14:44 5 Q. Do you remember why you remember it was that
14:44 6 time? Is there something that stands out?

14:44 7 A. I wanted to give her enough time to get up
14:44 8 and get herself together, but I wanted to do it early
14:44 9 enough, before I got off, to where if I had to do some
14:44 10 action, take some action, write something, that I had
14:44 11 ample time to do it.

14:44 12 Q. And, in fact, the night before, you had to
14:44 13 stay a couple of hours late; right?

14:44 14 A. True.

14:44 15 Q. And what was the full content of the
14:44 16 conversation that you had with Mrs. Doe HM on 1/1/061?

14:44 17 A. Just went to the residence. You know. Told
14:44 18 her who I was. Asked if HM was home. I don't recall
14:44 19 what her answer was. I asked how he was doing. She
14:44 20 told me he was doing fine, that he had been released
14:44 21 from the hospital.

14:44 22 Q. Okay. So you knew that by noon of the 1st,
14:44 23 that he had been released?

14:44 24 A. Yes.

14:45 25 Q. Did you report that fact on to any person?

14:45 1 A. I would have reported it to Sergeant
14:45 2 Lasater, since he's our CIT supervisor.

14:45 3 Q. Okay. Did you have any conversation with
14:45 4 anyone from Creve Coeur?

14:45 5 A. No.

14:45 6 Q. And did you call to dispatch indicating that
14:45 7 you were at the HM residence?

14:45 8 A. Yes, I did.

14:45 9 Q. Is there any kind of logs that are kept by
14:45 10 dispatch of calls that come in or go out?

14:45 11 A. They keep a CAD report.

14:45 12 Q. Do you know what a CAD report is?

14:45 13 A. It's a Computer Aided Dispatching report.

14:45 14 Q. When you cleared the call, to say that you
14:46 15 were no longer at the HM residence, would you have
14:46 16 reported that everything was fine, or that Mr. HM was
14:46 17 no longer in the hospital to dispatch?

14:46 18 A. Not on that. I would just have cleared the
14:46 19 call.

14:46 20 Q. Beside Sergeant Lasater, is there anyone
14:46 21 else that you would have reported the follow-up contact
14:46 22 with Mrs. Doe HM to?

14:46 23 A. No.

14:46 24 Q. And were you required to write any kind of
14:46 25 amended or supplementary report?

14:46 1 A. Since I found nothing of any real interest,
14:46 2 no.

14:46 3 Q. Was there any other follow-up at anytime
14:46 4 after that, to your knowledge, with regard to Mr. HM?

14:46 5 A. No.

14:46 6 Q. Okay. Did you ever go to that house again
14:46 7 and talk to Mrs. Doe HM?

14:46 8 A. No.

14:46 9 Q. Do you know if any other officer did?

14:46 10 A. No.

14:47 11 Q. That was a bad question. Did any other
14:47 12 officer go to HM's house after this?

14:47 13 A. Not that I'm aware of.

14:47 14 Q. Looking again at Exhibit 72, that's --
14:47 15 whatever number this is.

14:47 16 MS. MERKLIN VON KAENEL: 73, it's the
14:47 17 drawing.

14:47 18 A. Okay.

14:47 19 Q. (By Ms. Randles) I always find it easier to
14:47 20 orient to the north and the south, but however you want
14:47 21 to hold it is fine.

14:47 22 MS. MERKLIN VON KAENEL: Can we take a
14:47 23 break?

14:47 24 MS. RANGLES: Sure. No problem.

14:57 25 {Short break taken.}

14:57 1 Q. (By Ms. Randles) Officer Thomeczek, we're
14:58 2 back on the record, and I know you know that you're
14:58 3 still under oath. That's just a reminder.

14:58 4 Looking at the Exhibit 73, which, again, is the
14:58 5 picture of the parking lot, is there any other way in
14:58 6 or out of that parking lot beside the driveway that Mr.
14:58 7 HM drove into?

14:58 8 A. No.

14:58 9 Q. What was Mr. HM driving the night or the
14:59 10 afternoon of the stop?

14:59 11 A. A Ford Explorer.

14:59 12 Q. A sports utility vehicle, I assume?

14:59 13 A. Yes.

14:59 14 Q. Do you know if it was two-wheel or
14:59 15 four-wheel drive?

14:59 16 A. I have no idea.

14:59 17 Q. You don't happen to have a Ford Explorer, do
14:59 18 you?

14:59 19 A. Yes, I do.

14:59 20 Q. You do. So you know that they -- what year
14:59 21 is your Explorer?

14:59 22 A. '98.

14:59 23 Q. '98. They changed the steering set-up, and
14:59 24 the ratios in 2002. So in '98, would you say that the
14:59 25 steering radius on your vehicle is a long steering

14:59 1 radius in comparison to, say, a sedan?

14:59 2 MS. MERKLIN VON KAENEL: I'm just going to
14:59 3 object that there are facts in there that are not in
14:59 4 evidence. Subject to that, you may answer the
14:59 5 question.

14:59 6 A. I don't consider it to be a long radius.

15:00 7 Q. (By Ms. Randles) Approximately how many
15:00 8 feet would you estimate -- Can you turn your vehicle
15:00 9 around in an average city street?

15:00 10 A. I can.

15:00 11 Q. Your Ford Explorer?

15:00 12 A. Uh-huh.

15:00 13 Q. In order do that, do you have to pull all
15:00 14 the way to the right in order to turnaround to the
15:00 15 left?

15:00 16 A. No.

15:00 17 Q. Can you just from the right lane, make a
15:00 18 U-turn, and be headed back down the opposite direction?

15:00 19 A. I can.

15:00 20 Q. Do you have any idea how wide the steering
15:00 21 radius is on your vehicle?

15:00 22 A. No idea at all.

15:00 23 Q. Okay. So you would have no idea of how many
15:00 24 feet it would take to actually do a U-turn in your
15:00 25 vehicle?

15:00 1 A. No.

15:00 2 Q. When Mr. HM pulled into the lot there off

15:01 3 Tesson Ferry, was he travelling at a high rate of

15:01 4 speed?

15:01 5 A. About the speed limit.

15:01 6 Q. And that's when he was on Tesson Ferry, he

15:01 7 was going about the speed limit?

15:01 8 A. Yes, ma'am.

15:01 9 Q. Then he made a left turn onto that private

15:01 10 road?

15:01 11 A. Right.

15:01 12 Q. Then he made a left turn into the parking

15:01 13 lot?

15:01 14 A. Yes.

15:01 15 Q. Now, were you directly behind him, or was

15:01 16 there traffic between you and he?

15:01 17 A. At that -- At the time that he turned off of

15:01 18 Tesson Ferry, I was directly behind him.

15:01 19 Q. And had you had to pass some traffic, or had

15:01 20 there been traffic between you and he prior to him

15:01 21 pulling into that parking lot?

15:01 22 A. Just a couple of vehicles.

15:01 23 Q. And did they pull over for you?

15:01 24 A. I got around them.

15:02 25 Q. You don't recall how you got around them?

15:02 1 A. Yes.

15:02 2 Q. Did you have to engage in any kind of high
15:02 3 speed chase --

15:02 4 A. Oh, no.

15:02 5 Q. With Mr. -- Okay. Do you know if that
15:02 6 medical building was closed the day of the stop, on New
15:02 7 Year's Eve?

15:02 8 A. No.

15:02 9 Q. You don't know whether it was closed?

15:02 10 A. No, I don't whether it was closed or not.

15:02 11 Q. But your recollection is, at least where the
15:02 12 vehicles were parked, there were no other vehicles in
15:02 13 that spot; correct?

15:02 14 A. True.

15:02 15 Q. But you wouldn't know whether there were any
15:02 16 vehicles down at the other end of the parking lot?

15:02 17 A. I didn't see any vehicles on the parking
15:02 18 lot.

15:02 19 Q. Now, you've indicated in your police report
15:03 20 that Mr. HM tried to do a U-turn in that parking lot;
15:03 21 correct?

15:03 22 A. True.

15:03 23 Q. How far down the lot did Mr. HM go before he
15:03 24 made his U-turn?

15:03 25 A. About 3 of 4 car spaces.

15:03 1 Q. And then did he make a U-turn to the left or
15:03 2 to the right?

15:03 3 A. Pulled towards the vehicle, and then made a
15:03 4 U-turn to the left. He pulled towards the building,
15:03 5 and then made a U-turn to the left.

15:03 6 Q. Toward the building, and U-turn to the left.
15:03 7 Okay. Did you follow him as he made that maneuver?

15:03 8 A. He made it quickly. I didn't have time. I
15:04 9 was still entering the parking lot.

15:04 10 Q. So did you ever get fully into the parking
15:04 11 lot?

15:04 12 A. No, I didn't.

15:04 13 Q. At the time that the two vehicles stopped,
15:04 14 yours and his, how far apart would you estimate they
15:04 15 were?

15:04 16 A. 5 or 6 feet.

15:04 17 Q. Nose to --

15:04 18 A. Nose to nose.

15:04 19 Q. Could you touch his vehicle and your vehicle
15:04 20 at the same time when they were stopped?

15:04 21 A. I don't recall.

15:04 22 Q. After he made what you have described as a
15:04 23 U-turn in his vehicle, what did you do next?

15:04 24 A. I exited my vehicle.

15:04 25 Q. Okay. And after you exited your vehicle,

15:04 1 what did he do?

15:04 2 A. I drew my weapon at low ready.

15:05 3 Q. What does that mean?

15:05 4 A. It means it's pointed downward to where I
15:05 5 can bring it up quickly if I have to.

15:05 6 Q. What did you do next?

15:05 7 A. I ordered him to show his hands.

15:05 8 Q. Was this after you were already out of your
15:05 9 vehicle?

15:05 10 A. Yes.

15:05 11 Q. And how did you make that order?

15:05 12 A. Just yelled it at him.

15:05 13 Q. Did you yell it in succession; "Get your
15:05 14 hands up, get your hands up, get your hands up"?

15:05 15 A. Not that quickly.

15:05 16 Q. How did you do it?

15:05 17 A. I gave him a few minutes to respond.

15:05 18 Q. Minutes?

15:05 19 A. Well, a little while. A little while.

15:05 20 Enough time to where he should have been able to
15:05 21 respond.

15:05 22 Q. Okay. How long do you estimate that you
15:05 23 gave him to respond? You just indicated minutes; is
15:05 24 that accurate?

15:05 25 A. No, it isn't.

15:05 1 Q. How long would you estimate you gave him to
15:05 2 respond?

15:05 3 A. I said, "Put your hands where I can see
15:05 4 them." He didn't. I brought my gun up. I said, "Put
15:05 5 your hands where I can see them." I had to tell him
15:06 6 that order three, maybe four times, before he got his
15:06 7 hands where I could see them.

15:06 8 Q. Was he saying anything to you?

15:06 9 A. If he was, I couldn't hear it.

15:06 10 Q. Did he have his windows up?

15:06 11 A. His window was down.

15:06 12 Q. It was down?

15:06 13 A. (Indicating.)

15:06 14 Q. On this day, this was New Year's Eve, was it
15:06 15 cold outside?

15:06 16 A. I don't recall how cold it was.

15:06 17 Q. Your Ford Explorer, does it have electric
15:06 18 windows?

15:06 19 A. Yes.

15:06 20 Q. I would assume that Mr. HM's probably had
15:06 21 electric windows?

15:06 22 A. That's an assumption.

15:06 23 Q. Did you see him attempt to roll the windows
15:06 24 down to communicate with you?

15:06 25 A. I didn't notice it.

15:06 1 Q. When he put his window --
15:07 2 When he put his hands up, what position did he
15:07 3 have them in?
15:07 4 A. On top of the steering wheel.
15:07 5 Q. And could you see his hands at that point?
15:07 6 A. At that time, I could.
15:07 7 Q. Was he saying anything to you?
15:07 8 A. The first thing I recall him saying to me
15:07 9 was he was a police officer.
15:07 10 Q. Did he say "police officer" or "cop"?
15:07 11 A. "I'm a cop."
15:07 12 Q. What was the next thing that you recall him
15:07 13 saying?
15:07 14 A. I don't have a clue. I don't know.
15:07 15 Q. After you pulled your weapon up, and he put
15:08 16 his hands on the steering wheel, what did you do next?
15:08 17 A. I approached his vehicle on the driver's
15:08 18 side, keeping a watch on him.
15:08 19 Q. Did you keep -- maintain your weapon drawn
15:08 20 on him?
15:08 21 A. Until I got to the driver's door.
15:08 22 Q. And was it pointed at him?
15:08 23 A. Yes, it was.
15:08 24 Q. And when you got to the driver's door, what
15:08 25 did you do next?

15:08 1 A. With my left hand, I opened the driver's
15:08 2 door.

15:08 3 Q. Okay. And where was your right hand?

15:08 4 A. At my pistol.

15:08 5 Q. Did you still have your pistol aimed at him?

15:08 6 A. Until I got the door opened.

15:08 7 Q. What did you do when you got the door
15:08 8 opened?

15:08 9 A. Put my pistol away, touched him, helped him
15:09 10 out of the vehicle.

15:09 11 Q. Did he maintain his hands in an upward
15:09 12 position as he got out of the vehicle?

15:09 13 A. For the most part, yes.

15:09 14 Q. And when you say you touched him, where did
15:09 15 you touch him?

15:09 16 A. On the left arm.

15:09 17 Q. Okay. After he got out of his vehicle, what
15:09 18 happened next?

15:09 19 A. I had him assume a position facing his
15:09 20 vehicle, with his hands on his vehicle so I could find
15:09 21 any weapons; search him, do a cursory search.

15:09 22 Q. Did he move his arms out of the way so that
15:09 23 you could reach the pistol on his belt?

15:09 24 A. I don't really recall.

15:10 25 Q. What did he tell you when you were taking

15:10 1 the weapon from his belt?

15:10 2 A. I asked him if he had any weapons. He
15:10 3 indicated that he had one on his right side.

15:10 4 Q. Okay. And did you find it on his right
15:10 5 side?

15:10 6 A. Yes, I did.

15:10 7 Q. Okay. Once you took that weapon from his
15:10 8 belt, then what was the conversation with him?

15:10 9 A. I don't recall any conversation with him.

15:10 10 Q. Did you ask him if he had any other weapons?

15:10 11 A. I don't think so.

15:10 12 Q. But you knew that most police officers
15:10 13 carried a second weapon; correct?

15:10 14 A. I knew there was a good chance.

15:10 15 Q. Why didn't you ask him whether or not he had
15:10 16 a second weapon?

15:10 17 A. I was establishing security of the scene at
15:11 18 the time.

15:11 19 Q. And how do you establish security of the
15:11 20 scene?

15:11 21 A. By seizing the one weapon I knew about.
15:11 22 Keeping an eye on him, keeping him under control until
15:11 23 I got help.

15:11 24 Q. And did you have him maintain his position
15:11 25 at the side of the car with his hands on the vehicle

15:11 1 until Officer Venable arrived?

15:11 2 A. Until I patted him down.

15:11 3 Q. After you patted him down, then what
15:11 4 happened?

15:11 5 A. Officer Venable was already there. So by
15:11 6 then, I relinquished control to Officer Venable so I
15:11 7 could search the vehicle.

15:11 8 Q. And did you have any conversation -- any
15:11 9 further conversation with Mr. HM as he was -- prior to
15:12 10 Officer Venable coming, while he had his hands on the
15:12 11 vehicle?

15:12 12 A. Not that I recall.

15:12 13 Q. As you were coming to him, and getting the
15:12 14 door open, and having him step out, did you have any
15:12 15 conversation with him?

15:12 16 A. Just told him to keep his hands where I
15:12 17 could see them.

15:12 18 Q. Did you give him any other instructions?

15:12 19 A. I don't think so.

15:12 20 Q. And no other conversation at that point?

15:12 21 A. I don't think so.

15:12 22 Q. After Officer Venable took control of Mr.
15:12 23 HM, did you have any further conversation with Mr. HM
15:12 24 that you recall?

15:12 25 A. No, not that I recall.

15:12 1 Q. Did Mr. HM ever say anything to you that you
15:12 2 believed was rude?

15:12 3 A. Not that I recall.

15:13 4 Q. Did he ever tease with you in any regard?

15:13 5 A. Pardon, ma'am?

15:13 6 Q. Did you ever tease with you, make any
15:13 7 teasing comments to you?

15:13 8 A. Not that I recall.

15:13 9 Q. Do you recall making any statement, either
15:13 10 in anger, or in jest, that you'd been an officer longer
15:13 11 than he'd been alive?

15:13 12 A. I don't recall saying that, no.

15:13 13 Q. Okay. You did not have any kind of scuffle
15:13 14 of any kind with Mr. HM; did you?

15:14 15 A. No.

15:14 16 Q. And you did not suffer any injuries as a
15:14 17 result of anything he did?

15:14 18 A. No.

15:14 19 Q. And he did not suffer any injuries, any
15:14 20 physical injuries, as a result of anything you did?

15:14 21 A. Not that I'm aware.

15:14 22 Q. He did not try to drive his vehicle over the
15:14 23 parking blocks onto Tesson Ferry; did he?

15:14 24 A. No.

15:14 25 Q. And he didn't speed down to the end of the

15:14 1 parking lot where it appears there is a grassy area?

15:14 2 A. No.

15:14 3 Q. So the worse thing he did then, when he was
15:14 4 in that parking lot, was make the U-turn in front of
15:14 5 you; correct?

15:14 6 A. Right.

15:14 7 Q. Okay. Where were you when you first saw Mr.
15:14 8 HM?

15:14 9 A. I was northbound on 21, approaching
15:14 10 Schuessler Road.

15:14 11 Q. Was there traffic in the lane that you were
15:14 12 in, in the northbound lane, approaching Schuessler
15:14 13 Road?

15:14 14 A. I don't recall if there was or not.

15:15 15 Q. And you indicated earlier that you thought
15:15 16 he was stopped at the Schuessler Road traffic light?

15:15 17 A. I think so.

15:15 18 Q. So you were also stopped at the Schuessler
15:15 19 Road traffic light?

15:15 20 A. No, I was approaching the intersection.

15:15 21 Q. So you had not yet gotten there?

15:15 22 A. True.

15:15 23 Q. And then after the light turned, did Mr. HM
15:15 24 proceed on through the Schuessler Road?

15:15 25 A. Yes, he did.

15:15 1 Q. And you indicated you made a U-turn then to
15:15 2 get behind him; correct?

15:15 3 A. True.

15:15 4 Q. Did you have to wait for traffic to clear in
15:15 5 order to make the U-turn to get behind him?

15:15 6 A. I turned on my emergency lights, and the
15:15 7 vehicle slowed down, and made my turn, and turned my
15:15 8 lights back off.

15:15 9 Q. So once you got into the northbound lane
15:15 10 of -- I'm sorry -- the southbound lane of Tesson Ferry
15:15 11 Road, you turned your lights off?

15:15 12 A. True.

15:15 13 Q. At what point in time did you turn your
15:15 14 lights back on?

15:15 15 A. When we stopped.

15:16 16 Q. So after Mr. HM had turned left into the
15:16 17 parking lot is when you turned your lights on?

15:16 18 A. True.

15:16 19 Q. Do you have any understanding as to whether
15:16 20 or not he knew you were behind him at the time that he
15:16 21 pulled into the parking lot?

15:16 22 A. I don't know.

15:16 23 Q. You did not ever turn on your siren, though,
15:16 24 correct?

15:16 25 A. Never turned my siren on.

15:17 1 Q. You had indicated earlier that there were a
15:17 2 couple of cars between you and Mr. HM?

15:17 3 A. True.

15:17 4 Q. At the time that you made your U-turn?

15:17 5 A. True.

15:17 6 Q. But you did not have your lights on your
15:17 7 siren at that time, correct?

15:17 8 A. True.

15:17 9 Q. And so you had to weave around those cars in
15:17 10 order to get behind Mr. HM; is that correct?

15:17 11 A. I'm not sure how I got around him, but I got
15:17 12 in behind him.

15:17 13 Q. Some way, somehow, you managed to get past
15:17 14 those cars to get to Mr. HM?

15:17 15 A. Right.

15:17 16 Q. In order to catch up with him, is it safe to
15:17 17 say that you were going faster than he was?

15:17 18 A. Not by much.

15:17 19 Q. There wasn't a lot of distance between
15:17 20 Schuessler Road and the parking lot; correct?

15:17 21 A. True.

15:17 22 Q. And so it wouldn't have taken a speed
15:17 23 demon --

15:17 24 A. True.

15:17 25 Q. -- to be able to get up there? When you

15:18 1 pulled into the parking lot, did you pull in on --

15:18 2 strike that.

15:18 3 As you pull into the parking lot, is there a
15:18 4 median between the two lanes of the private road that
15:18 5 you have to pull onto before you pull into the parking
15:18 6 lot, itself?

15:18 7 A. I'm not sure if I understand what you're
15:18 8 asking.

15:18 9 Q. As you come down Tesson Ferry headed to the
15:18 10 south, and you make a left onto the private road, is
15:18 11 there a median that separates the two lanes on the
15:18 12 private road?

15:18 13 A. There is a median at the entrance way.

15:18 14 Q. When you turned left into that private road,
15:18 15 were you in the left-hand lane or the right-hand lane?

15:18 16 A. The left-hand lane.

15:18 17 Q. Okay. You were on the left-hand lane of
15:18 18 Tesson Ferry?

15:18 19 A. I was in -- Yes. I was in the left-hand
15:19 20 lane of Tesson Ferry.

15:19 21 Q. Then when you turned into the private road,
15:19 22 did you turn into the left-hand lane of the private
15:19 23 road, or the right-hand lane?

15:19 24 A. The left-hand lane.

15:19 25 Q. And that was the shortest distance to the

15:19 1 get to the parking lot; correct?

15:19 2 A. True.

15:19 3 Q. Mr. HM, did you see him turn into the
15:19 4 left-hand lane or right-hand lane of that private road?

15:19 5 A. Followed him into the left-hand lane.

15:19 6 Q. Now, that's a private. It's listed as
15:19 7 private road on the Google maps. Assuming that's a
15:19 8 private road, and not a public road, is there any
15:19 9 citation that could be issued for pulling into the
15:20 10 left-hand line of that private road, instead of the
15:20 11 right-hand lane?

15:20 12 A. Not by County ordinance.

15:20 13 Q. So if it's a private road, there wouldn't be
15:20 14 any problem with turning into the left-hand lane?

15:20 15 A. True.

15:20 16 Q. At the time that you made the turn into the
15:20 17 left-hand lane of that private road, approximately how
15:20 18 fast were you going?

15:20 19 A. That's hard to say. I don't recall.

15:20 20 Q. Do you recall whether or not you had to make
15:20 21 the turn rapidly, or whether you made the turn at a
15:20 22 slower pace?

15:20 23 A. It was under control.

15:20 24 Q. Do you recall whether there was any oncoming
15:20 25 traffic?

15:20 1 A. No, there was no traffic.

15:20 2 Q. So you were able to follow behind Mr. HM
15:20 3 without having to wait for traffic to clear?

15:20 4 A. True.

15:21 5 Q. How close were you behind Mr. HM at the time
15:21 6 that he pulled into the private road?

15:21 7 A. I'm not for sure.

15:21 8 Q. Now, I'm just using this for reference, but
15:21 9 when I make a turn from one of the suicide lanes, you
15:21 10 know, the center lane turning left, I always wait until
15:21 11 the vehicle in front of me gets all of way out of
15:21 12 traffic before I make my left turn for fear that my
15:21 13 back side will get clipped. Do you know if you waited
15:22 14 for Mr. HM's vehicle to completely clear the private
15:22 15 road before you started your turn?

15:22 16 A. I don't recall.

15:22 17 Q. At what point in time did you perceive that
15:22 18 Mr. HM was doing a U-turn?

15:22 19 A. When I was pulling onto the parking lot and
15:22 20 I observed him making the U-turn.

15:22 21 Q. Could you see his vehicle from the point in
15:22 22 time that you entered the private road?

15:22 23 A. Yes.

15:22 24 Q. And did you see at any point prior to your
15:22 25 turning into the parking lot, itself, did you see Mr.

15:22 1 HM begin to make the U-turn?

15:22 2 A. Yes, as I entered -- as I approached the
15:22 3 parking lot, I saw him making a U-turn.

15:22 4 Q. Okay. Had he completed the U-turn at the
15:23 5 time the nose of your car entered the parking lot?

15:23 6 A. Yes.

15:23 7 Q. Okay. At the angle that you were coming in,
15:23 8 since you came in the left side of the parking lot,
15:23 9 would it have been possible -- and then you pulled the
15:23 10 nose of your car into the lot -- would it have been
15:23 11 possible for Mr. HM to have gone out either the right
15:23 12 or the left side of that parking lot around you?

15:23 13 A. He would have had to hit me to get out.

15:24 14 Q. Okay. And, in fact, he did not?

15:24 15 A. He did not hit me.

15:24 16 Q. May I see that for just a moment?

15:24 17 A. Sure.

15:24 18 Q. Thank you. You have your car at an angle
15:24 19 coming in the parking lot, which would be the angle
15:24 20 that you would take if you came in the left side?

15:24 21 A. True.

15:24 22 Q. How did Mr. -- If you would, with the
15:24 23 marker, using dotted lines, will you, please, show the
15:25 24 path of Mr. HM's vehicle that caused him to end up in
15:25 25 the position he's at? You can start it in the parking

15:25 1 lot, itself, if you like.

15:25 2 A. (Indicating.)

15:25 3 Q. Thank you very much. And what that shows is
15:25 4 that he angled over into the right-hand parking stall
15:25 5 in order to U-turn back out of the parking lot;
15:25 6 correct?

15:25 7 A. True.

15:25 8 Q. And that placed him at a fairly substantial
15:25 9 angle to come out of that lot; correct?

15:25 10 A. True.

15:25 11 Q. And you were at a fairly substantial angle
15:25 12 to come into the lot because you had come in the left
15:25 13 lane of that private road; correct?

15:25 14 A. True.

15:26 15 Q. Do you recall how many strides it took you
15:26 16 to get to the driver's side door?

15:26 17 A. No, I don't.

15:26 18 Q. Did you walk, or did you have to trot to get

15:26 19 --

15:26 20 A. Oh, I didn't trot. I didn't take a
15:26 21 leisurely pace, though.

15:26 22 Q. And you just told us that it was at the
15:26 23 point that you turned into the parking lot that you
15:26 24 turned on the lights; correct?

15:26 25 A. As soon as I became stopped, yes.

15:26 1 Q. When you got out of your car, could you hear
15:26 2 Mr. HM yelling "I'm a cop"?

15:27 3 A. I don't recall.

15:27 4 Q. Do you know if Mr. HM was wearing a coat, a
15:27 5 muffler, or gloves?

15:27 6 A. I don't recall.

15:27 7 Q. Do you recall whether you were wearing a
15:27 8 coat, a muffler, or gloves?

15:27 9 A. I don't recall.

15:27 10 Q. And you don't recall at what point in time
15:27 11 Mr. HM put his window down?

15:27 12 A. Not exactly.

15:27 13 Q. Did you ever see him put his window down, or
15:27 14 did you just observe it down once you got out of the
15:27 15 vehicle?

15:27 16 A. I observed it down.

15:28 17 Q. Now, at any point in time did you attempt to
15:28 18 cut Mr. HM off to prevent him from leaving that parking
15:28 19 lot?

15:28 20 A. Not intentionally.

15:28 21 Q. So the manner in which the cars came to rest
15:28 22 was unintentional on your part?

15:28 23 A. True.

15:28 24 Q. You believe that Mr. HM was making an
15:28 25 aggressive move on 12/31 of '05 when he made that

15:28 1 U-turn?

15:28 2 A. Yes, I did.

15:28 3 Q. And what was aggressive about it?

15:28 4 A. It was just the manner that he made a U-turn
15:28 5 and came straight at my vehicle.

15:28 6 Q. And would you agree that this was not a high
15:28 7 speed maneuver?

15:28 8 A. Not a high speed maneuver.

15:28 9 Q. Do you normally enter a parking lot on the
15:28 10 left side?

15:28 11 A. Not normally.

15:29 12 Q. And it's your testimony that Mr. HM entered
15:29 13 on the left side?

15:29 14 A. Yes.

15:29 15 Q. And that you followed him on the left side?

15:29 16 A. I followed his path.

15:29 17 Q. Is that what you would normally do; follow
15:29 18 the path of the individual in front of you?

15:29 19 A. If I'm observing that vehicle, yes.

15:29 20 Q. Now, the Walther that you took from Mr. HM,
15:29 21 that was in a holster; correct?

15:29 22 A. Correct.

15:29 23 Q. And it was not just stuck in the waistband
15:29 24 of his pants?

15:29 25 A. It was in a holster.

15:29 1 Q. And the holster wasn't stuck in the
15:30 2 waistband of his pants?

15:30 3 A. The holster was attached to the belt.

15:30 4 Q. And by the time that Mr. HM had gotten out
15:30 5 of the vehicle, he wasn't aggressive toward you in any
15:30 6 manner; correct?

15:30 7 A. No.

15:30 8 Q. And if he had been, you would have noted
15:30 9 that in your report?

15:30 10 A. Yes, I would have.

15:30 11 Q. Why do you believe that the U-turn that he
15:30 12 made, or allegedly made, was an aggressive move?

15:30 13 A. Because he came straight at my vehicle.

15:30 14 Q. Did he continue coming straight at your
15:30 15 vehicle even after he cleared the circle?

15:30 16 A. He stopped before he hit my vehicle.

15:30 17 Q. Had he made the U-turn in its entirety, and
15:30 18 continued toward your vehicle, or was this just part of
15:31 19 the U-turn, and he stopped before?

15:31 20 A. He made his U-turn. And it appeared to me
15:31 21 he was attempting to exit the lot, but I was in his
15:31 22 way.

15:31 23 Q. You had indicated that you had not had any
15:31 24 discussions with anyone at Creve Coeur; correct?

15:31 25 A. Never talked to anyone at Creve Coeur.

15:31 1 Q. And that includes Captain Hodak; correct?

15:31 2 A. True.

15:31 3 Q. Did you have any discussion with Sergeant
15:31 4 Lasater concerning any discussion he may have had with
15:31 5 Captain Hodak?

15:31 6 A. No.

15:31 7 Q. Did you have any discussion with Sergeant
15:31 8 Lasater concerning any discussions he had with anyone
15:31 9 at Creve Coeur?

15:31 10 A. No.

15:31 11 Q. At some point in time, did Sergeant Lasater
15:31 12 speak to you about the need to speak to Captain Hodak
15:31 13 or someone else at Creve Coeur?

15:31 14 A. No.

15:32 15 Q. Did you know Captain Hodak before meeting
15:32 16 him in the depositions this time?

15:32 17 A. No.

15:32 18 Q. Were you aware that Captain Hodak and
15:32 19 Sergeant Lasater were in Academy together?

15:32 20 A. No.

15:32 21 Q. I assume you've never had any discussion
15:32 22 with Chief Beardslee of any kind whatsoever?

15:32 23 A. Never.

15:32 24 Q. And Chief Beardslee has never contacted you?

15:32 25 A. Never.

15:32 1 Q. And Chief Beardslee has never left a message
15:32 2 for you to contact him?

15:32 3 A. Never.

15:32 4 Q. Did you, yourself, ever have any
15:32 5 conversation with any individual indicating that HM
15:32 6 wanted to commit suicide by cop?

15:32 7 A. No.

15:33 8 Q. And prior to beginning the depositions in
15:33 9 this case, or reading the allegations in the complaint,
15:33 10 had you had any knowledge of Mr. HM being a sexual
15:33 11 abuse survivor?

15:33 12 A. No.

15:33 13 Q. At the time of the incident on 12/31 of '05,
15:33 14 did anyone that you spoke with discuss with you the
15:33 15 fact that Mr. HM was a sexual abuse survivor?

15:33 16 A. I don't recall. I don't think so.

15:33 17 Q. Did Mrs. Doe HM ever talk to you about Mr.
15:33 18 HM being involved in a high profile case?

15:34 19 A. She didn't say high profile case. She did
15:34 20 indicate he was involved in a lawsuit.

15:34 21 Q. Now, when we were talking about the
15:34 22 discussions with Mrs. Doe HM, you didn't reveal that.

15:34 23 A. Right.

15:34 24 Q. Do you recall which discussion that you had
15:34 25 with Mrs. Doe HM in which she revealed that he was

15:34 1 involved in a case?

15:34 2 A. It was -- It was on the original phone call.
15:34 3 She indicated that he was under stress because of a
15:34 4 lawsuit that he had.

15:34 5 Q. And that's the way she put it, that he was
15:34 6 under stress because of a lawsuit that he had?

15:34 7 A. True.

15:34 8 Q. And she told that to you directly?

15:34 9 A. On the phone, yes.

15:34 10 Q. But she never used the word "high profile";
15:34 11 correct?

15:34 12 A. Never used the word high profile.

15:35 13 Q. Okay. Going to the police report, which,
15:35 14 again, is Exhibit 54, and going to page 2.

15:35 15 A. Page 2.

15:36 16 Q. "Reporting party information" down at the
15:36 17 bottom of the page, it indicates that Lisa Doe is
15:36 18 unemployed?

15:36 19 A. Yes.

15:36 20 Q. From where did you receive the information
15:36 21 that Mrs. Doe HM was unemployed?

15:36 22 A. I'm not sure where I got that from. I got
15:36 23 it from somebody, but I don't know where I got it from.

15:36 24 Q. Okay. Then going to the page 3, "firearm
15:36 25 roles." It says "seized" under firearm number one

15:36 1 information. And then also firearm number 2

15:36 2 information, both of those were seized; correct?

15:36 3 A. True.

15:36 4 Q. And were they placed in evidence at St.
15:36 5 Louis County?

15:36 6 A. Yes.

15:36 7 Q. And to your knowledge, are those still in
15:36 8 evidence at St. Louis County?

15:36 9 A. As far as I know, they are.

15:36 10 Q. Okay. And how does one retrieve those
15:36 11 handguns from evidence at St. Louis County?

15:36 12 A. I don't know. That's not my -- You have to
15:37 13 check with property control.

15:37 14 Q. Now, with regard to -- If you look on page
15:37 15 3, the very last sentence, they were entered into NCIC
15:37 16 as weapons seized for safekeeping?

15:37 17 A. True.

15:37 18 Q. Is there a difference for seizing weapons
15:37 19 for safekeeping, as opposed to seizing them for
15:37 20 evidence?

15:37 21 A. They're seized for safekeeping, unless you
15:37 22 have an ongoing criminal case. At which time, I did
15:37 23 not have an ongoing criminal case, so they were placed
15:37 24 in safekeeping.

15:37 25 Q. And there is still no ongoing criminal case

15:37 1 concerning HM; correct?

15:37 2 A. No.

15:37 3 Q. No; there is no case?

15:37 4 A. Just this one.

15:37 5 Q. I said, correct.

15:37 6 A. Just this one.

15:37 7 Q. I made a double negative by adding the word
15:37 8 "correct" at the end. I want to make sure the record
15:37 9 is clear: There is no case involving -- criminal case
15:37 10 outstanding involving HM?

15:38 11 A. True.

15:38 12 Q. Okay. I want to understand where some of
15:38 13 the information in the report came from. So I'm going
15:38 14 to go through some of the lines in the report, and ask
15:38 15 you where you received the information. On the first
15:38 16 line it says: "On the above date and time I received a
15:38 17 call of attempted suicide at 4608 Skyridge Meadows
15:38 18 Court. The reportee, Lisa Doe, said her husband was --
15:38 19 had said he was going to commit suicide."

15:38 20 "I received a call," is that meaning you received
15:38 21 a call from dispatch?

15:38 22 A. Yes.

15:38 23 Q. And so did you receive from dispatch then
15:38 24 the statement that Lisa Doe had said that her husband,
15:38 25 HM, had said he was going to commit suicide?

15:38 1 A. True.

15:38 2 Q. So those came from dispatch. Okay. Then
15:39 3 the information in the second paragraph all coming from
15:39 4 your -- from your experience?

15:39 5 A. My observation.

15:39 6 Q. Your observation. Okay. And the same is
15:39 7 true of the third paragraph?

15:39 8 A. True.

15:39 9 Q. And the fourth paragraph also comes from
15:39 10 your observation; correct?

15:39 11 A. True.

15:39 12 Q. Then going to the first paragraph on page 4,
15:39 13 HM was handcuffed for his safety, and the safety of
15:39 14 other officers. Now, you already testified that at the
15:39 15 time that he was handcuffed, that there was no
15:39 16 indication that he was violent or otherwise unsafe;
15:40 17 correct?

15:40 18 A. True.

15:40 19 Q. So is this something that you put in
15:40 20 pursuant to the policies and procedures of the St.
15:40 21 Louis County Police Department?

15:40 22 A. I tell everyone that I handcuff that I'm
15:40 23 doing this for their safety and my safety, and all the
15:40 24 other officers' safety. So that's why I word it the
15:40 25 way I do in the police report.

15:40 1 Q. But that's just standard for anyone you
15:40 2 handcuff; correct?

15:40 3 A. For me, yes.

15:40 4 Q. And it did not indicate -- is not meant to
15:40 5 indicate that he had somehow endangered any of the
15:40 6 other officers; correct?

15:40 7 A. True.

15:40 8 Q. And then with regard to the next line, you
15:40 9 completed; he was placed in the patrol car, transported
15:40 10 to St. Anthony's Medical Center, and you completed a
15:40 11 72-hour affidavit. Those are all based upon your
15:40 12 personal knowledge; correct?

15:40 13 A. True.

15:40 14 Q. He was subsequently transferred to the
15:40 15 Highland Center. That's also based on your personal
15:40 16 knowledge because you transferred him; correct?

15:40 17 A. True.

15:40 18 Q. Now, you did you write the 72-hour affidavit
15:41 19 before or after he was transferred to Highland Center?

15:41 20 A. I wrote it at the emergency room.

15:41 21 Q. So it was already written at the time that
15:41 22 he went to Highland Center?

15:41 23 A. True.

15:41 24 Q. Was it already written prior to Crystal
15:41 25 Marshall coming to the hospital?

15:41 1 A. Yes.

15:41 2 Q. Okay. Do you know what took so long for
15:41 3 them to go ahead and admit him at Highland Center if
15:41 4 you had already completed the affidavit at St.
15:41 5 Anthony's?

15:41 6 A. I don't know.

15:41 7 Q. Had you expected that once you wrote the
15:41 8 affidavit at St. Anthony's, that he would be
15:41 9 immediately admitted at Highland?

15:41 10 A. I didn't know.

15:41 11 Q. Well, you have had other experiences where
15:41 12 you've written the affidavit; right?

15:41 13 A. Yes, I have.

15:41 14 Q. On those occasions, did you transfer them
15:41 15 directly to Highland Center, or did you always stop at
15:42 16 the emergency room first?

15:42 17 A. You always go into the emergency room.

15:42 18 Q. And do you always write the affidavit in the
15:42 19 emergency room?

15:42 20 A. Yes, I do.

15:42 21 Q. Has it been your experience that if you
15:42 22 write the affidavit in the emergency room, then by the
15:42 23 time you get to Highland, that they're automatically
15:42 24 admitted?

15:42 25 A. I usually don't take them to Highland.

15:42 1 Q. They're transferred to Highland by some
15:42 2 other means of transport?

15:42 3 A. Yes.

15:42 4 Q. And is usually that an ambulance?

15:42 5 A. I'm not sure.

15:42 6 Q. Okay. Then going to the next paragraph, it
15:42 7 says, "I contacted Lisa Doe and she told me her
15:42 8 husband, HM, had been acting weird for about a week."
15:42 9 Did Mrs. Doe HM actually use the word "weird"?

15:42 10 A. It's a quote, so, yes, that would have been
15:42 11 a word she would have used.

15:42 12 Q. And then it said: "Had a high profile case
15:42 13 coming up in Illinois, which is stressing him out."
15:42 14 You had indicated she didn't actually say high profile;
15:42 15 correct?

15:42 16 A. That's what I said, but I put it in my
15:42 17 report, so that must have been very close to what she
15:42 18 said.

15:42 19 Q. Is it possible that you learned about the
15:42 20 case being possibly high profile from someone other
15:43 21 than Lisa Doe?

15:43 22 A. Not the way I've got this written in the
15:43 23 report.

15:43 24 Q. Okay. So you don't know whether or not that
15:43 25 was the verbiage that was used by Crystal Marshall?

15:43 1 A. It wasn't the exact verbiage that Lisa said,
15:43 2 but she indicated that that's what it was.

15:43 3 Q. Okay. Now, going to the next paragraph, the
15:43 4 information in the next paragraph starting: "Sergeant
15:43 5 Lasater..." that is not based upon your personal
15:43 6 knowledge; correct?

15:43 7 A. No, that's what I got from Sergeant Lasater.

15:43 8 Q. And then with regard to the paragraph
15:43 9 concerning Crystal Marshall, that is, again -- although
15:43 10 you know she told you she found a suicide note, she
15:43 11 never produced the suicide note to you; correct?

15:43 12 A. True.

15:43 13 Q. Okay. Did Sergeant Lasater have any role in
15:44 14 filling out the affidavit at Highland Center?

15:44 15 A. None.

15:44 16 Q. He had no input into the verbiage that was
15:44 17 found in the affidavit?

15:44 18 A. Just what he told me that the brother had
15:44 19 said.

15:44 20 Q. And you've not seen a copy of the affidavit
15:44 21 since you filled it out?

15:44 22 A. No.

15:44 23 Q. And you already indicated that you gave the
15:44 24 affidavit to the nurse who was on duty -- was it at the
15:44 25 emergency room or at Highland Center?

15:44 1 A. At the emergency room. Whoever was
15:44 2 administering to Mr. HM.

15:45 3 MS. RANGLES: Now, with the exception of the
15:45 4 things found in the personnel file, with which I
15:45 5 haven't had the opportunity to review, I don't have any
15:45 6 further questions for Officer Thomeczek at this time --

15:45 7 Well, I may have a question or two. We'll take a
15:45 8 quick break.

15:50 9 {Short break taken.}

15:50 10 MS. RANGLES: After further review with
15:50 11 counsel, I still have no questions, except for anything
15:50 12 that might have come out of the personnel file.

13 (The deposition adjourned at 3:50 p.m. on March
14 11, 2009.)

15 (Continued testimony of Officer Michael Thomeczek
16 on March 12, 2009, as follows:)

17 (In addition to the noted appearances on March 11,
18 2009, Chief Beardslee is present via speakerphone.)

19 CONTINUED DIRECT EXAMINATION

20 QUESTIONS BY MS. RANGLES:

21 MS. RANGLES: We had completed our questions
22 yesterday. I do have one question about the report.
23 Let's go ahead and mark this as an Exhibit 74.

24 {Marked for identification Plaintiff Exhibit
25 74, Crises Intervention Team Report,

1 3/12/09, cb.}

2 MS. RANGLES: It is now 10:10, for the
3 deposition that was scheduled to begin at 9:00 o'clock.
4 Evidently, there was some form of miscommunication with
5 St. Louis County in which we were sitting out in the
6 hallway. And, evidently, it wasn't known in this room
7 that we were sitting out there. Nonetheless, we're
8 starting an hour and ten minutes late. With that said,
9 we're back on record.

10 Q. (By Ms. Randles) And, Officer Thomeczek,
11 you understand you're still under oath?

12 A. Yes, I do.

13 Q. You've been handed what has been marked as
14 Exhibit 74?

15 A. Yes, ma'am.

16 Q. Can you describe for me what Exhibit 74 is?

17 A. This is a Crises Intervention Team Report.

18 Q. Is this the report that you filled out with
19 regard to events of 12/31/05 concerning HM?

20 A. Yes, it is.

21 Q. And we had marked one yesterday that was
22 incomplete; is that correct?

23 A. True.

24 Q. And going to the last page of Exhibit 74,
25 you had indicated yesterday that there was a narrative

1 that was filed with this report. Is the last page of
2 Exhibit 74 the narrative that you had filed with this
3 report?

4 A. It appears to be.

5 Q. Okay. Is there anything different about
6 this narrative that you don't recall having filed in
7 12/31 of '05?

8 A. Not that I recall.

9 Q. Okay. Going to the information. We had
10 previously had the first three lines of this
11 information that stopped with the brother, Michael,
12 also said his brother." Now the last lines, the last
13 three lines in this narrative of exhibit, page 74, are
14 those lines based upon your discussions with Sergeant
15 Lasater?

16 A. Yes, they are.

17 Q. And you never had any conversation of any
18 kind with HM's brother, Michael; is that correct?

19 A. No, I did not.

20 Q. So any information that you received from
21 Sergeant Lasater concerning anything that the brother,
22 Michael, would have said came as hearsay from Sergeant
23 Lasater; correct?

24 MS. MERKLIN VON KAENEL: Object to the
25 characterization as being hearsay. Subject to that,

1 you may answer.

2 A. Sergeant Lasater told me he talked to
3 Michael, and this is based on the conversation he said
4 he had with him.

5 Q. (By Ms. Randles) Okay. But, again, you had
6 no direct contact with Michael?

7 A. I did not.

8 Q. And you also had no contact with any
9 individual who indicated that HM had wanted to commit
10 suicide by cop; correct?

11 A. Not that I recall.

12 MS. RANGLES: Thank you. I have nothing
13 further.

14 MS. MERKLIN VON KAENEL: Nothing.

15 MS. RANGLES: He's done.

16 MS. MERKLIN VON KAENEL: You're done.

17 MS. RANGLES: No questions, Stacie?

18 MS. OWENS: No, I don't have any questions.

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1 Boyd-Gwinn Reporting
2 Registered Professional Reporters
3 P. O. Box 190601
4 St. Louis, MO 63119
5 314.918.8265 * FAX 314.918.0429

6 March 15, 2009

7 Lorena V. Merklin von Kaenel, Attorney at Law
8 St. Louis County Counselor's Office
9 42 South Central
10 Clayton, MO 63105

11 In re: JOHN DOE HM, an individual vs. CITY OF CREVE
12 COEUR, MISSOURI, and JOHN BEARDSLEE, Individually and
13 in his Official Capacity as Police Chief in the Creve
14 Coeur Police Department, et al.

15 Dear Ms. Merklin von Kaenel:

16 Please find enclosed a copy of Officer Michael
17 Thomeczek's deposition given on March 11th and 12th,
18 2009. Please have Officer Michael Thomeczek read your
19 copy of the deposition, and indicate any changes and/or
20 corrections on the enclosed correction sheet, the page
21 number, how it should read, and the reason for the
22 change; i.e., typographical error, misspelled.

23 Also please find enclosed the original signature
24 page to be signed before a Notary Public. Any used
25 correction sheets should also be signed.

26 Please return the original notarized signature
27 page to Rebecca M. Randles, Attorney at Law, with a
28 copy to Stacie A. Owens, Attorney at Law, and to this
29 office, as well as each correction sheet completed, as
30 soon as possible.

31 Kind regards,

32 Catherine E. Boyd, CCR, RPR, IL-CSR

33 cc: Rebecca M. Randles, Attorney at Law
34 Stacie A. Owens, Attorney at Law
35

ORIGINAL

1 State of Missouri)
2 County of St. Louis) SS

3

4 SIGNATURE OF OFFICER MICHAEL THOMECEK

5 I, OFFICER MICHAEL THOMECEK do hereby certify:
6 That I have read the foregoing deposition;
7 That I have made such changes in form and/or
8 substance within the deposition as might be necessary
9 to render the same true and correct;
10 That having made such changes thereon, I hereby
11 subscribe my name to the deposition.
12 I declare under penalty of perjury that the
13 foregoing is true and correct.

14 Executed this 14th day of
15 APRIL, 2009.

16

17

18 My Commission Expires:

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P. G. Michael Thomecek 3915
OFFICER MICHAEL THOMECEK



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ORIGINAL

OFFICER MICHAEL THOMECZEK

DEPOSITION CORRECTION SHEET

IN RE: JOHN DOE HM, an individual vs. CITY OF CREVE
COEUR, MISSOURI, and JOHN BEARDSLEE, Individually and
in his Official Capacity as Police Chief in the Creve
Coeur Police Department, et al.

Upon reading the deposition and before subscribing
thereto the deponent indicated the following changes
should be made:

¹³⁷ ¹⁰
Page Line Should read: *to the console, a loaded Sig Sauer*

REASON ASSIGNED FOR CHANGE: *mis spelled word*

¹⁸¹ ⁴
Page Line Should read: *on my pistol*

REASON ASSIGNED FOR CHANGE: *mis understood word*

Page Line Should read:

REASON ASSIGNED FOR CHANGE:

Page Line Should read:

REASON ASSIGNED FOR CHANGE:
Page Line Should read:

REASON ASSIGNED FOR CHANGE:

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REASON ASSIGNED FOR CHANGE:

Page Line Should read:

REASON ASSIGNED FOR CHANGE:

P.O. Michael Thomczyk 3945

OFFICER MICHAEL THOMECZEK

1 State of Missouri)
2 County of St. Louis) SS

4 SIGNATURE OF OFFICER MICHAEL THOMECZEK

5 I, OFFICER MICHAEL THOMECZEK do hereby certify:
6 That I have read the foregoing deposition;
7 That I have made such changes in form and/or
8 substance within the deposition as might be necessary
9 to render the same true and correct;

10 That having made such changes thereon, I hereby
11 subscribe my name to the deposition.

12 I declare under penalty of perjury that the
13 foregoing is true and correct.

14 Executed this _____ day of
15 _____, 2009.

16 _____
17 OFFICER MICHAEL THOMECZEK

18 My Commission Expires:

19 Notary Public:

20 Signature page sent to: Lorena V. Merklin von
21 Kaenel, Attorney at Law

22 REPORTER: Catherine E. Boyd, CCR, RPR, IL-CSR

23 DEPONENT: OFFICER MICHAEL THOMECZEK
24 JOHN DOE HM, an individual vs. CITY OF CREVE COEUR,
25 MISSOURI, and JOHN BEARDSLEE, Individually and in his
Official Capacity as Police Chief in the Creve Coeur
Police Department, et al.
Case No. 4:07CV00946 ERW

MARCH 11 & 12, 2009

OFFICER MICHAEL THOMECZEK

DEPOSITION CORRECTION SHEET

IN RE: JOHN DOE HM, an individual vs. CITY OF CREVE
COEUR, MISSOURI, and JOHN BEARDSLEE, Individually and
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Page Line Should read:

REASON ASSIGNED FOR CHANGE:

OFFICER MICHAEL THOMECZEK

1 STATE OF MISSOURI)
2) SS
3 COUNTY OF ST. LOUIS)

4 I, Catherine E. Boyd, a Certified Court Reporter,
5 within and for the State of Missouri, #0233, Registered
6 Professional Reporter, and Certified Shorthand Reporter
7 within and for the State of Illinois, do hereby certify
8 that pursuant to notice between counsel, there came
9 before me at the offices of Saint Louis County
10 Counselor's Office, 42 South Central, Clayton ,
11 Missouri,

12 OFFICER MICHAEL THOMECEK

13 a witness of lawful age, who was by me first duly sworn
14 to testify to the whole truth touching and concerning
15 the matters in controversy therein; that the witness
16 was examined, and said examination was reduced to
17 shorthand by me on that day, between the aforesaid, and
18 later transcribed into computer-assisted transcription
19 under my supervision, that it is a true record of the
20 testimony given by the witness, and now is herewith
21 returned.

22 I further certify that I am neither attorney, nor
23 counsel for, nor related to, nor employed by any of the
24 parties to the action in which this deposition is
25 taken; and further, that I am not a relative or
employee of any attorney, or employed by the parties
hereto, or financially interested in the action.

IN WITNESS WHEREOF, I have hereunto set my hand on
March 15, 2009.

Catherine E. Boyd, CCR # 233, RPR
Certified Court Reporter within and for the
State of Missouri.

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